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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

BLUE MOUNTAINS BIODIVERSITY)	Case No. 1:22-cv-01500-CL
PROJECT , an Oregon non-profit corporation,)	
)	
Plaintiff,)	NOTICE OF RELATED CASE
)	
v.)	[Local Rule 42.2]
)	
HOMER WILKES , et al.,)	
)	
Defendants.)	

In accordance with District of Oregon Local Civil Rule 42.2, Defendants notice the Court of a related, earlier filed case, *Greater Hells Canyon Council v. Wilkes*, Case No. 1:22-cv-0859, assigned to United States Magistrate Judge Hallman in Pendleton.

Local Rule 42-2 says that “[i]t is the responsibility of counsel to identify complex or related cases and to bring the matter promptly to the attention of the Court.” This case is related to *Greater Hells Canyon Council* because the cases involve common parties and a common

question of law. First, each defendant in *Greater Hells Canyon Council* is named here as well. Second, both cases challenge the Forest Service’s decision not to hold a pre-decisional administrative objection period for the 2021 Eastside Screens Amendment: Forest Management Direction for Large Diameter Trees in Eastern Oregon and Southeastern Washington (“2021 Eastside Screens Amendment”), arguing that the objection period was required under the Department of Agriculture’s regulations. *Compare* Compl. ¶¶ 65-67, ECF No. 1; *with* Compl. ¶¶ 205-213, ECF No. 1, *Greater Hells Canyon Council*, Case No. 1:22-cv-0859 (D. Or.). That common claim turns on a common question of law: whether the United States Department of Agriculture Under Secretary’s approval of the 2021 Eastside Screens Amendment obviated the need for the objection period.¹ *See* Defs.’ concurrently filed Mot. to Dismiss. Summary Judgment briefing in *Greater Hells Canyon Council* has just opened. *See* Pls.’ Mot. for Summ. J., ECF No. 41, *Greater Hells Canyon Council*, Case No. 1:22-cv-0859 (D. Or.) (filed Dec. 27, 2022). And today, Defendants are moving to dismiss the Complaint here. Defs.’ Mot. to Dismiss. So the common legal issue will soon ripen for review.

Because of the common legal issue, the Court may determine that reassigning this case will result in judicial economy and a lesser risk of an inconsistent ruling on the common issue.

On January 12, counsel for Defendants conferred with counsel for Plaintiff by telephone on the relatedness issue. Counsel for Plaintiff advised that Plaintiff opposes reassignment.

Respectfully submitted this 17th day of January, 2023.

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¹ There are other legal theories in *Greater Hells Canyon Council*, but the objection period claim is the sole theory in Plaintiff’s Complaint. *See* Compl., ECF No. 1.

/s/ Hayley A. Carpenter

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